

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** May 1, 2024  
**PROJECT:** SE202400002 1030 Woodlands Road Homestay  
**PROPERTY OWNER:** David R. Marold II and Alexandra Marold  
**LOCATION:** 1030 Woodlands Road  
**PARCEL ID:** 04400-00-00-004B1  
**MAGISTERIAL DISTRICT:** Jack Jouett

### **APPLICANTS'S PROPOSAL:**

The applicant is requesting authorization to use an accessory structure built after August 7, 2019 for a homestay use. (Attachment B).

County Code § 18-5.1.48(c)(2)(ii) requires that on parcels of five acres or more in the Rural Areas zoning district, homestays must be conducted in a detached single-family dwelling, within its accessory apartment, or within an accessory structure built on or before August 7, 2019, provided that by special exception, the Board of Supervisors may authorize the homestay use of accessory structures built after August 7, 2019. The property is owned and occupied by Mr. David Marold and Ms. Alexandra Marold. The owners intend to build an approximately 1,700 sf accessory structure.

### **CHARACTER OF THE PROPERTY AND AREA:**

The 5.35-acre property is located east of the intersection of Woodlands and Free Union Road, surrounded by forested and residential parcels. The property currently contains one dwelling built in 2021, which is the primary residence of the property owners. The proposed 1,700 sf accessory structure would be located approximately on the site of a previously existing shed, which was recently demolished. (Attachments D & E).

### **PLANNING AND ZONING HISTORY:**

The property is currently in compliance with zoning and taxation/licensing regulations.

### **ABUTTING PROPERTY OWNER COMMENTS**

Staff had received no comments or concerns about the proposed homestay special exception as of April 6, 2024.

### **COMPREHENSIVE PLAN:**

The property is designated as Rural Area in the Comprehensive Plan. This designation includes preservation and protection of agricultural, forestal, open space, and natural, historic, and scenic resources. The Rural Area chapter of the Comprehensive Plan recognizes tourism as a vital part of the County's economy but urges that care be taken with tourist activities so that they do not overwhelm or negatively affect the very resources that make rural Albemarle attractive to residents and tourists. Staff does not believe that the proposed special exception would conflict with these overall goals of the Comprehensive Plan.

### **ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:**

Special exceptions are subject to County Code § 18-33.5, under which the Board may either approve or deny an application, defer action to allow for changes prior to final action, or refer the application to the Planning Commission.

County Code §18-5.1.48(d)(3) provides that among other relevant factors, in granting homestay special exceptions, the Board may consider whether:

- (i) *There would be any adverse impact(s) to the surrounding neighborhood;*
- (ii) *There would be any adverse impact(s) to the public health, safety, or welfare;*
- (iii) *The proposed special exception would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and*
- (iv) *The proposed special exception would be consistent in size and scale with the surrounding neighborhood.*

Staff's opinion is that authorizing use of an accessory structure built after August 7, 2019 for a homestay use would not cause adverse impacts to the surrounding neighborhood or to the public health, safety, or welfare. As an accessory use to a residential dwelling, the proposed use would be consistent with the Comprehensive Plan. A guest cottage accessory structure without a kitchen is a by-right structure, and the proposed structure is consistent in size and scale with the surrounding neighborhood. Additionally, it replaces a previously existing structure.

The applicant has confirmed that the structure will not contain a full kitchen, and understands that the property does not possess the necessary development rights to build a second dwelling on the property.

As the structure is not yet built, setback requirements and confirmation of all other homestay requirements of the County Code would be confirmed following construction. Other requirements, including parking, safety inspections/building code, neighbor notification of emergency contact, and addressing, would be confirmed during review of the homestay clearance application.

#### **RECOMMENDATION:**

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve the proposed special exception to use an accessory structure built after August 7, 2019, for a homestay use at 1030 Woodlands Road.

#### **ATTACHMENTS**

- A. Staff Analysis
- B. Applicant's Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Surrounding Location Map
- E. Parking and Structures Location Exhibit
- F. Proposed Resolution